

REMARKS

The above entitled application is a continuation of Serial No. 08/111,296. The '296 application received a final Office Action wherein the Examiner rejected claims 33-37 under 35 USC § 102(b) as being anticipated by Schachar. The applicant would like to address the rejection in the final Office Action of the '296 application.

To anticipate a claim, all of the elements and limitations of the claim must be found in the four corners of the reference. The present claimed invention recites a method for reshaping a cornea which includes electrically grounding the patient, placing an electrode in contact with the cornea, and sending a current through an electrode and into the cornea to denature the corneal tissue. The method disclosed and claimed requires sending current into the cornea of the patient. This is to be distinguished from Schachar which discloses a needle that is placed onto the cornea. The needle is connected to a power supply which supplies a current that flows through the needle. The needle is a resistor which is heated by the current. The heat is transferred into the cornea to change the curvature of the eye. Schachar does not disclose the step of electrically grounding the patient. Additionally, Schachar does not disclose a step of sending current into the cornea. The current of Schachar flows through the needle not the cornea. For these reasons, the applicant submits that the claims are not anticipated by the prior art.

The applicant also submits that the prior art does not render obvious the present claimed invention. The present claimed invention discloses and recites a thermokeratoplastic technique which utilizes a current that flows through the cornea to denature the corneal tissue. To obtain current flow through the cornea, the patient must be electrically grounded. Schachar does not disclose, teach or suggest to electrically ground the patient, because Schachar is not trying to pass current through the cornea.

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The applicant submits that none of the prior art before the Examiner discloses, teaches or suggests to place an electrode in contact with the cornea and then send current through the electrode and the corneal tissue of the patient. For all of the above reasons, the applicant submits that the claims are patentably distinct from the prior art.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 33-37 at an early date is solicited.

Respectfully submitted,

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